

Serial No. 09/996,276

PD-201124

**REMARKS**

Claims 1-22 and 25-27 are now pending in the present application. Reconsideration of the claims is respectfully requested.

**I. 35 U.S.C. § 112**

Claim 1 was rejected as being indefinite. The Examiner states that the limitation of "the automatic configuration" in line 1 lacks sufficient antecedent basis. Claim 1 has been amended to provide sufficient basis for automatic configuration.

**II. 35 U.S.C. § 103**

Claims 1, 4-8, 14-16, 17, 19 22-23 and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huotari et al (US Pub No. 2002/0004953) and further in view of O'Toole et al (US Patent No 6,345,294).

Huotari describes an "automated" installation and configuration system for configuring DSL modems. One method prompts the subscriber to enter configuration data. Another method retrieves the configuration file from a disk or CD-Rom and uses the file to configure the modem. The last method uses dial-up via a configured analog modem to connect the subscriber's system to a DSL service provider's server and retrieve the configuration file (Abstract, ¶64, ¶65). All three are "host driven" in that Huotari uses a software application running on a machine other than the DSL modem itself to acquire the DSL modem configuration file and then configure the modem. The DSL modem does not receive the configuration file from the server and does not configure itself. Huotari describes three different methods to configure the DSL modem, each of which are arguably not "automatic", and none of them teach nor suggest using the DSL modem itself to broadcast the request, receive the configuration details and configure itself. The claimed IP device is self-sufficient and configures the Internet connection on its own.

In the "Background of the Invention" at Col 1, line 65 to col. 2, line 35, O'Toole describes a computer network in which every time a computer boots it broadcasts a message to a DHCP server on the local area network (LAN) to obtain an IP address. The computer obtains the IP address locally without accessing the Internet. Furthermore, that

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client IP address is only known and used locally. In Fig. 3 and the related text, O'Toole describes an "Internet media appliance" 18 such as a video server that is connected to a LAN 14, which is preconfigured with an external IP address to provide Internet connectivity for the other computers. The appliance may obtain a local IP address and configuration information from a DHCP server on the LAN if one exists. Alternately, the appliance may obtain the local IP address and configuration information by transmitting a boot status message over the LAN via the Internet to a remote appliance registry 28. In summary, O'Toole teaches (a) broadcasting a boot status message to a DHCP server on the LAN to obtain a local IP address for a computer and (b) broadcasting a boot status message to a remote server via a pre-existing Internet connection to obtain a local IP address and configuration information for an Internet media appliance such as a video server. O'Toole does not teach nor suggest broadcasting a request from an unconfigured DSL gateway/cable modem without an external IP address to a remote server where the Internet connection has not yet been established to obtain an external IP address and configurations details for the DSL gateway/cable modem in order to configure the DSL gateway/cable modem to establish the Internet connection.

The novelty of the current invention lies in using the unconfigured gateway/modem to make the request, receive the info and configure itself. Huotari addresses the same desire to automate provisioning of the DSL modem to avoid truck rolls, etc. In looking at the problem Huotari proposed three different approaches, none of which uses the DSL modem itself. The closest technique involved using a preconfigured analog modem to make the request and receive the data and software on a separate machine to configure the modem. Huotari never considers that the DSL modem could be configured to perform all of these tasks self-sufficiently and automatically. O'Toole addresses the configuration of client devices such as computers or Internet media appliances, not gateways or modems. Furthermore, to retrieve an IP address and configuration information from a remote server for the appliance, Huotari relies on existing LAN and Internet connectivity to send the boot status request and receive the IP address and configuration details. The combined teachings of Huotari and O'Toole would not operate in the manner claimed. Furthermore, there is no suggestion in either Huotari or O'Toole to provide a DSL gateway/cable modem that broadcasts the request, receives

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the IP address and configuration details and configures itself to establish an Internet connection.

Claims 1, 17, 19, 22 and 26 as currently amended recite that the IP communication device automatically broadcasts the request for an IP network to the Internet and remote server connected thereto, receives the configuration details and automatically configures itself to establish an Internet connection. Support for these amendments can be found at p. 12, l 9-11 and Fig. 4a step 420, p.12, l 12-14 and p.16, l 1, p. 8, l 17-26 and Fig. 4b, step 438, and p.16, l 1 and p.18, l 12-28. The 35 U.S.C. § 103 rejection is respectfully traversed and a notice of allowance is requested.

Claims 11, 12, 18, 20 and 22 as current amended further specify that the request is broadcast from the IP communications device using a TCP/IP broadcast and that the return message is broadcast from the server using a TCP/IP broadcast. This is done because the unconfigured IP communications device (a) does not know the address of the server and (b) does not yet have an addressable IP address. These features further differentiate the claimed invention over the cited art.

Therefore, the rejections of claims 1-22 and 25-27 under 35 U.S.C. § 102 and §103 have been overcome.

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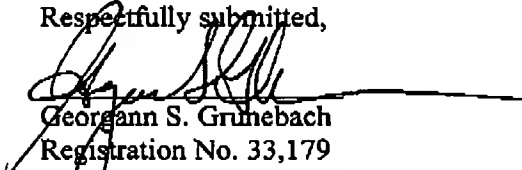
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**II. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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